

**Testimony of the Board of Professional Engineers, Architects, Surveyors,
and Landscape Architects**

**Before the
House Committee on Finance
Wednesday, March 2, 2022
1:00 p.m.
Via Videoconference**

**On the following measure:
H.B. 2442, H.D. 1, RELATING TO BUILDING INDUSTRY PROFESSIONALS**

Chair Luke and Members of the Committee:

My name is Brian Fujiwara, and I am the Chairperson of the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects (Board). The Board opposes this bill.

The purpose of this bill is to update the cost valuations of work on buildings for the work to qualify for an exemption from the requirement that plans and specifications for construction projects be prepared by a licensed engineer or architect.

The Board has serious concerns that passage of this measure as proposed will raise the cap on the cost valuations of work on buildings for renovation projects serviced by an unlicensed individual. The Board is opposed to this bill, as it fails to safeguard the health, safety, and welfare of the public.

Act 227 (Act), Session Laws of Hawaii 1923, was enacted to create the regulation of engineers, architects, and land surveyors who practice their profession in the Territory of Hawaii. The Act has since been amended several times throughout the years. In general, these changes were intended to further protect the public, improve the quality of the professional engineer, architect, land surveyor (and subsequently landscape architect) practices, and to clarify the administration of the law. In order to safeguard life, health, and property, the Act regulates these design professionals as individual practitioners to protect the public and not the industry.

The Board believes that allowing for an exemption to the Act for unlicensed individuals to perform minor home repairs is allowable, however, it also holds that raising the cap on the cost valuations of work performed will allow unlicensed individuals to perform major renovations and other large scale projects, which does not

align with the over-arching goal of safe-guarding the health, safety, and welfare of consumers. The Board would have no recourse to take action against an unlicensed person who provides substandard construction.

The Board believes that HRS section 464-13, is not the proper section to amend if the legislature's intent is to allow larger construction projects to proceed without the need to hire licensed design professionals. The intent of this section, created in 1931, was to allow smaller-scale repairs without the requirement of a licensed design professional's seal, where the work involved was intended to be relatively small in cost and limited in scope.

Therefore, the Board opposes this measure and respectfully requests that it be held in Committee.

Thank you for the opportunity to testify on this bill.



March 2, 2022

TO: Honorable Nadine Nakamura, Chair
Committee on Housing / House Finance Committee

FROM: Reid Mizue, AIA
Vice President / Legislative Advocacy Group
American Institute of Architects, Hawaii State Council

SUBJECT: **Re: House Bill 2442 HD1**
Relating to Building Industry Professionals

The American Institute of Architects

AIA Hawaii State Council
828 Fort Street Mall, Suite 100
Honolulu, HI 96813

T (808) 628-7243
contact@aiahonolulu.org
aiahonolulu.org/AIAHawaiiStateCouncil

Dear Chair Nakamura and Members of the Committee,

My name is Reid Mizue VP/President-elect AIA Hawaii Council submitting **OPPOSITION** on House Bill 2442 HD1 allowing work on buildings to qualify for an exemption (based on updated cost valuations) from the requirements that plans and specifications for construction projects be prepared by a licensed engineer or architect. Our main concern is Life Safety and Building Code regardless of estimated cost valuations on specific residential projects state in the bill.

Life Safety role of licensed design professionals (Architects Engineers) related to design of occupiable residential structures.

As licensed architects (and engineers), design professionals are educated for, prepared to design for, insured for, and licensed by the State of Hawaii to design buildings inclusive of residential structures to current building code. Building code is in place, updated, and adhered to by design professionals specifically for measures of life safety. Architects, Civil, Structural, Mechanical, and Electrical engineers are all examples of licensed design professionals that create the design documents (drawings and specifications) which represent the inclusion of properly designed, safe, and code compliant residential structures. Exempting the requirement of a licensed design professional(s) for residential projects not exceeding \$77,000 or \$67,000 and \$96,500 or \$86,500 additionally exempt, this bill puts Hawaii homeowners at serious risk of major zoning violations (per each County) and major building code violations. Both of which may lead to the incredibly unfortunate instances of ignoring life safety and well-being of residential occupants.

Further, non-licensed draftspersons, engineering technicians are NOT educated, trained for, or licensed in the State of Hawaii to design code compliant structures.

Exemptions not allowed based on construction type language does not address Life Safety in most residential structures.

Although HB 2442 HD1 indicates that “*no structure, dwelling, or building in which the principal structural members consist of reinforced concrete or structural steel having riveted, bolted, or welded connections shall be exempt...*”, the language does not make mention of structures related to wood framing, nor does the bill include measures for non-exemptions from County inspections to observe post-construction Contractor/Builder completion.

- The bulk of Hawaii's inventory of single & two-storied residential dwellings and structures are of wood construction. Wood framed structures have building codes requiring items such as load-path criteria, foundations, steel straps, and stud framing spacing, plywood sheathed shear wall, truss work, and beam requirements that support Life Safety considerations for safe living conditions; conditions that resist wind load, wind uplift, lateral forces, and the general support of a wood framed residential structure. Any residential renovation / addition of said wood-framed structure includes the requirement for design professional to properly indicate the aforementioned requirements.

Exemptions based on estimated costs skirt Life Safety in residential structures.

- A residential renovation to include a bedroom addition to a single storied / single-family structure, that costs only \$76,999 or \$96,499 respectively, HB 2442 HD1 would allow an exemption from a licensed professional to developed stamped and signed drawings and specifications. An unlicensed draftsman could prepare the drawings with no intent / knowledge of life safety or building code, placing the inhabitants of the bedroom addition at risk. Risks such as injury, property damage, infringement on a neighboring property or catastrophic loss. There would be no recourse on this because the draftsman/technician is unregulated, and unlicensed (By the Board of EASLA).
- There is little data present in HB2442 HB1 on how the 1979 amounts were mathmatically “updated” and further updated in HD1. This requires fuhrtter clarification / consideration.

- There is little data present in HB2442 HD1 regarding the origins of the \$2,000 to \$6,000 range of savings to homeowners mentioned.
- In recent news a residential structure collapsed on the North Shore, Oahu. If homeowners are allowed to construct a small renovation using less than the amounts indicated in HB 2442 HD1, the homeowner will be able to skirt the licensed professional requirement and could have built a small bedroom addition below the home, a portion of which would have been significantly damaged or caused injury/loss of life in such a catastrophic collapse to the ocean frontage below.

Thank you for this opportunity to **OPPOSE** on House Bill 2442 HD1.

Sincerely,

A handwritten signature in black ink, appearing to read "Reid T. Mizue", with a stylized flourish at the end.

Reid Mizue, AIA

American Institute of Architects, Hawaii State Council

March 3, 2022
1:00 P.M.
State Capitol, Videoconference Room 308

**H.B. 2442 H.D. 1
RELATING TO BUILDING INDUSTRY PROFESSIONALS**

HOUSE COMMITTEE ON FINANCE

Aloha Chair Luke, Vice Chair Yamashita, and fellow Committee Members

I am offering this testimony in support of the intent of HB 2442 that amends Hawaii Revised Statutes (HRS) Section 464-13 by updating the specified valuations. However, HB 2442 HD 1 requires revision.

HB 2442 updated values using the consumer price index. HB 2442 HD 1 that evolved from the Housing Committee hearing arbitrarily cut those values in half. This changes the intent, purpose, and spirit of the of the amendment passed in 1979.

Changes to the intent, purpose, and spirit of the law should not be made arbitrarily, but should be made with sound reasoning, fundamental understanding, and just considerations. It should not be made on a whim.

In lieu of revising the values listed in HRS §464-13 as HB 2442 HB 1 does, I would like to suggest leaving HRS §464-13 as is and amend the Section by adding the following:

d) Present-day values shall be used when referencing this Section. The US consumer price index published by the US Bureau of Labor Statistics shall be used to determine the present-day value. The values listed in this Section shall be the baseline values and 1979 shall be the baseline year.

The US Bureau of Labor Statistics website has a simple to use calculator to calculate present-day values (https://www.bls.gov/data/inflation_calculator.htm). With the suggested amendment, the values referenced in HRS §464-13 will always be up to date, the intent, purpose, and spirit of the 1979 amendment will be maintained, and the values are updated using a credible reference instead of arbitrary values.

The intent of HB 2442 is to only update the values used in HRS §464-13, not change the intent, purpose, and spirit of the law.

Understand that amendments to this Section does not affect the applicability of building permits or building codes. Building permits will still be required for essentially any work over \$1,000 and the permit process ensures the construction plans meet the building codes. Building codes are to protect the health, safety, and welfare of the occupants and surrounding properties. Pursuant to HRS 107, all counties follow the Building Code of the State of Hawaii, as amended by the State Building Code Council.

Thank you for the opportunity to provide testimony.